

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RALPH SMITH, individually and on behalf of
all persons similarly situated,

Plaintiff,

v.

STROM ENGINEERING CORPORATION,

Defendant.

Civil Action No. 2:19-cv-00147-MRH-PLD

Electronically Filed

**DEFENDANT’S OBJECTIONS TO THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION ON
PLAINTIFF’S MOTION FOR CLASS CERTIFICATION**

Defendant Strom Engineering Corporation (“Strom”) submits these Objections to the Report and Recommendation of Magistrate Judge Patricia L. Dodge on Plaintiff’s Motion to for Class Certification (Dkt. No. 94 the “R&R”). The R&R fails to perform or apply the “rigorous analysis” required of courts in the Third Circuit, misapplies the controlling Supreme Court authority under Rule 23 and does not provide an adequate legal basis for the recommendation that Smith’s Motion for Class Certification (Dkt. No. 67) be granted. As such, the R&R’s recommendation is clearly erroneous.

WHEREFORE, as more fully set forth in its concurrently filed Brief, Strom respectfully objects to the Magistrate Judge’s Report and Recommendation, and requests that the Court deny Plaintiff’s Motion for Class Certification.

Dated: May 24, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2022 a true and correct copy of the foregoing Defendant's Objections to the Magistrate Judge's Report and Recommendation on Plaintiff's Motion for Class Certification was served and filed using the Western District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon the following counsel of record:

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By: /s/ Theodore A. Schroeder